

AMENDED IN ASSEMBLY APRIL 6, 2006  
AMENDED IN ASSEMBLY MARCH 30, 2006  
CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 3004**

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**Introduced by Assembly Member Houston**

February 24, 2006

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An act to amend ~~Sections 1817, 23111, and Section 40800~~ of the Vehicle Code, relating to crimes.

LEGISLATIVE COUNSEL'S DIGEST

AB 3004, as amended, Houston. Crimes: *enforcement*.

~~(1) Existing law prohibits a person in a vehicle and a pedestrian from throwing or discharging from, or upon, a road or highway or adjoining area, public or private, a lighted or nonlighted cigarette, cigar, match, or other flaming or glowing substance.~~

~~This bill would make the above prohibition applicable to any person, thereby expanding the scope of an existing crime and imposing a state-mandated local program.~~

~~The bill would make a corresponding, clarification change in a related provision.~~

~~(2) Existing~~

~~Existing law requires, except for in certain specified circumstances, a traffic officer on duty for the exclusive or main purpose of enforcing laws related to traffic accidents and rules of the road, to wear a full distinctive uniform, and to use a motor vehicle that is painted a distinctive color, as specified by the Commissioner of the California Highway Patrol.~~

This bill would exempt an officer assigned exclusively to the duty of investigating and securing evidence in reference to a violation related to driving while under the influence of an alcoholic beverage, a drug, or a combination of an alcoholic beverage and drug from those requirements.

~~(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~ no. State-mandated local program: ~~yes~~ no.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1. Section 1817 of the Vehicle Code is amended to~~  
2     ~~read:~~

3     ~~1817. Written allegations received by the department from~~  
4     ~~members of the public identifying a motor vehicle or other~~  
5     ~~vehicle by license plate number from which a flaming or glowing~~  
6     ~~substance was thrown, or discharged, including an alleged~~  
7     ~~violation of Section 23111, shall be forwarded to the Department~~  
8     ~~of Forestry and Fire Protection together with information as to~~  
9     ~~the identity of the registered owner of the vehicle as shown by~~  
10    ~~the records of the department.~~

11    ~~SEC. 2. Section 23111 of the Vehicle Code is amended to~~  
12    ~~read:~~

13    ~~23111. A person shall not throw or discharge from, or upon,~~  
14    ~~a road or highway or adjoining area, public or private, a lighted~~  
15    ~~or nonlighted cigarette, cigar, match, or other flaming or glowing~~  
16    ~~substance. This section shall be known as the Paul Buzzo Act.~~

17    ~~SEC. 3.~~

18    ~~SECTION 1. Section 40800 of the Vehicle Code is amended~~  
19    ~~to read:~~

20    ~~40800. Every~~ A traffic officer on duty for the exclusive or  
21    main purpose of enforcing the provisions of Division 10 ~~or 11 of~~  
22    ~~this code (commencing with Section 20000) or Division 11~~  
23    ~~(commencing with Section 21000) shall wear a full distinctive~~  
24    uniform, and if the officer while so on duty uses a motor vehicle,

1 it ~~must~~ *shall* be painted a distinctive color specified by the  
2 commissioner.

3 This section does not apply to an officer assigned exclusively  
4 to the duty of investigating and securing evidence in reference to  
5 ~~any a~~ theft of a vehicle, ~~or~~ failure of a person to stop in the event  
6 of an accident, ~~or~~ violation of Section 23109 or 23152, or in  
7 reference to ~~any a~~ felony charge, or to ~~any an~~ officer engaged in  
8 serving a warrant when the officer is not engaged in patrolling  
9 the highways for the purpose of enforcing the traffic laws.

10 ~~SEC. 4. No reimbursement is required by this act pursuant to~~  
11 ~~Section 6 of Article XIII B of the California Constitution because~~  
12 ~~the only costs that may be incurred by a local agency or school~~  
13 ~~district will be incurred because this act creates a new crime or~~  
14 ~~infraction, eliminates a crime or infraction, or changes the~~  
15 ~~penalty for a crime or infraction, within the meaning of Section~~  
16 ~~17556 of the Government Code, or changes the definition of a~~  
17 ~~crime within the meaning of Section 6 of Article XIII B of the~~  
18 ~~California Constitution.~~